

**Bucksport Planning Board  
Special Meeting  
6:30 P.M., Thursday, October 18, 2018  
Bucksport Town Office  
50 Main Street**

**AGENDA**

**1. Roll Call**

<input type="checkbox"/> Steven Bishop	<input type="checkbox"/> Steve Feite	<input type="checkbox"/> George Hanson
<input type="checkbox"/> Brian MacDonald	<input type="checkbox"/> Edward Belcher	<input type="checkbox"/> Jay Durost
<input type="checkbox"/> David Grant		

Planning Board Chair: Brian MacDonald

Planning Board Secretary: Steve Feite

**2. Review and Acceptance of Minutes:** October 2, 2018 meeting.

**3. Chair's Report**

**4. Code Enforcement Officer's Report**

**5. Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.

**6. Unfinished Business:** None

**7. New Business:**

- A. A request for subdivision approval for a proposed 48-lot mobile home park known as Silver Lake Estates, to be located on property fronting Central Street identified as Lot 22 on Town Tax Map 05.

Applicant: The Hawes Group LLC (Michael Hawes)

A public hearing will be held during the review of this application.

**8. Administrative Business**

**9. Discussion**

**10. Adjournment**

**Bucksport Planning Board  
Special Meeting  
6:30 P.M., Thursday, October 18, 2018  
Bucksport Town Office  
50 Main Street**

**MINUTES**

**1. Roll Call**

<input checked="" type="checkbox"/> Steven Bishop	<input checked="" type="checkbox"/> Steve Feite	<input checked="" type="checkbox"/> George Hanson
<input checked="" type="checkbox"/> Brian MacDonald	<input checked="" type="checkbox"/> Edward Belcher	<input checked="" type="checkbox"/> Jay Durost
<input checked="" type="checkbox"/> David Grant		

Planning Board Chair: Brian MacDonald

Planning Board Secretary: Steve Feite

**2. Review and Acceptance of Minutes:** October 2, 2018 special meeting.

MOTION: (Durost) To approve the October 2, 2018 minutes as drafted.

SECOND: (Feite)

DISCUSSION: None

VOTE: 5-0-1 Motion adopted (Member Grant abstained because he did not attend the October 2<sup>nd</sup> meeting. Member Hanson arrived during the CEO presentation under New Business).

**3. Chair's Report:** None

**4. Code Enforcement Officer's Report:** The CEO reported that proposed amendments to Chapter 5 and a new Chapter 13 are now in effect. The upper roof of the bell tower at Wilson Hall will be removed on the 22<sup>nd</sup>.

**5. Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.

No public comments were received.

**6. Unfinished Business:** None

**7. New Business:**

- A. A request for subdivision approval for a proposed 48-lot mobile home park known as Silver Lake Estates, to be located on property fronting Central Street identified as Lot 22 on Town Tax Map 05.**

**Applicant: The Hawes Group LLC (Michael Hawes)**

**A public hearing will be held during the review of this application.**

The CEO conducted an introductory presentation to describe the project and also presented a timeline description of reviews conducted for contract zoning for the mobile home park and the stage 1 and 2 reviews of the subdivision application.

The chair addressed potential bias or conflict issues. Member Bishop noted that he lived across the street from the subdivision site, but that he believed he could review the application without bias. The CEO raise a question about another possible bias issue involving Member Feite, who had submitted letters to the town council and the local press in which he described a concern about an adverse impact on Silver Lake from phosphorus exported from the mobile home park. Member Feite described his letters and why he sent them. Tim Brochu from CES described the phosphorus documentation in the application. Member Feite was asked if he believed he had a bias, and answered that it was a numbers game, meaning that final phosphorus calculations would dictate if the mobile home park complied with minimum standards. A motion was made:

MOTION: (Grant) To find that no member of the board had a bias.

SECOND: (Durost)

DISCUSSION: None

VOTE: 7-0 Motion adopted

The board reviewed the minimum application content requirements and noted no omissions of required information for board review. The board then conducted the standards review and discussed each one with Mr. Brochu, who explained how the application documented compliance with the applicable requirements. The board did not require additional documentation.

The chair opened a public hearing.

Don Houghton commented about the need to properly maintain the park for seniors. He also expressed concern about the proper maintenance of sewer pumps, if any, when the ownership of the park changes. He also noted that the project will generate welcomed tax revenue.

Mike Ormsby expressed his support. He asked about the wells and wondered if the town could be protected from liability if leachate from the landfill contaminated the wells.

The chair closed the public hearing.

The discussed if the application was complete. A motion was made:

MOTION: (Feite) To find the application to be complete.

SECOND: (Durost)

DISCUSSION: None

VOTE: 7-0 Motion adopted

The board then conducted their standards review and noted no concerns that the application did not adequately document compliance with applicable standards.

The board then conducted their findings.

## **9.2        LOTS AND BLOCKS**

The proposed subdivision contains lots that are appropriately laid out and are of adequate size to support the intended use and, if required to be arranged in blocks, such lots are arranged to fit the topographical and geological character of the land and are safe and convenient to access.

MOTION: Hanson                      SECOND: Belcher

VOTE: 7 YES                      0 NO

### **9.3                      STREETS**

The proposed subdivision will comply with the minimum construction requirements for any new street that is proposed for the subdivision, and will comply with the

minimum construction requirements for any structural improvements the applicant is required to perform on any public street or public easement utilized for access to the subdivision.

MOTION: Grant                      SECOND: Feite

VOTE: 7 YES                      0 NO

### **9.4                      TRAFFIC AND ACCESS MANAGEMENT**

The proposed subdivision:

1. will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed,
2. has received approval from the Department of Transportation for driveways or entrances subject to Title 23, M.R.S.A. §704 and any rules adopted under that section, if applicable, and
3. will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality if any part of the subdivision is located in that municipality.

MOTION: Durost                      SECOND: Feite

VOTE: 7 YES                      0 NO (Subject to obtaining a MDOT entrance permit)

### **9.5                      UTILITIES**

The proposed subdivision will be provided with required utilities for each lot.

MOTION: Belcher                      SECOND: Feite

VOTE: 7 YES                      0 NO

### **9.6                      GROUNDWATER**

The proposed subdivision:

1. has sufficient water available for the reasonably foreseeable needs of the subdivision,
2. will not cause an unreasonable burden on an existing water supply, if one is to be utilized, and
3. will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

MOTION: Hanson                      SECOND: Belcher

VOTE: 7 YES                      0 NO

(Subject to licensing by the Maine Drinking Water Program for a public water supply.)

**9.7                      WASTEWATER**

The proposed subdivision will provide for adequate wastewater disposal and will not cause an unreasonable burden on the municipal wastewater disposal system, if it is utilized.

MOTION: Durost                      SECOND: Feite

VOTE: 7 YES                      0 NO

**9.8                      SOLID WASTE**

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

MOTION: Hanson                      SECOND: Durost

VOTE: 7 YES                      0 NO

**9.9                      EROSION CONTROL**

The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results and will provide for adequate storm water management.

MOTION: Durost                      SECOND: Grant

VOTE: 7 YES                      0 NO

**9.10                      BUFFERS**

The proposed subdivision will have adequate buffers to minimize the impact of development on adjacent properties and the natural resources.

MOTION: Durost                      SECOND: Feite

VOTE: 7 YES                      0 NO

**9.11                      NATURAL RESOURCES**

1. The proposed subdivision has identified on any maps submitted as part of the application all potential freshwater wetlands within the subdivision, regardless of the size of those wetlands, and any river, stream or brook within or abutting the proposed subdivision.

MOTION: Grant                      SECOND: Durost

VOTE: 7 YES                      0 NO

2. The proposed subdivision will not result in undue water or air pollution. In making this determination, the board has considered:
- the elevation of the land above sea level and its relation to the flood plains,
  - the nature of soils and subsoils and their ability to adequately support waste disposal,
  - the slope of the land and its effect on effluents,
  - the availability of streams for disposal of effluents, and
  - the applicable state and local health and water resource rules and regulations.

MOTION: Durost                      SECOND: Feite

VOTE: 7 YES                      0 NO

3. The proposed subdivision will not adversely affect the quality of any pond or lake or unreasonably affect the shoreline of any pond or lake whenever the subdivision is situated entirely or partially within the watershed of that pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B.

MOTION: Durost                      SECOND: Feite

VOTE: 7 YES                      0 NO  
(Subject to obtaining a stormwater permit from DEP)

4. The proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the subdivision.

MOTION: Grant                      SECOND: Belcher

VOTE: 7 YES                      0 NO

5. The proposed subdivision is not located on a parcel of land that has been owned by the applicant for less than 5 years and which has been harvested in violation of Maine Forest Service Rules pertaining to liquidation harvesting.

MOTION: Durost                      SECOND: Feite

VOTE: 7 YES                      0 NO

6. The proposed subdivision will have no lot with a lot depth to shore frontage ratio greater than 5 to 1 for any lots in the proposed subdivision that have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B.

MOTION: Hanson                      SECOND: Belcher

VOTE: 7 YES                      0 NO

**9.12      SCENIC AND HISTORIC AREAS**

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or on any public rights for physical or visual access to the shoreline.

MOTION: Grant                      SECOND: Durost

VOTE: 7 YES                      0 NO

**9.13      FLOODPLAIN MANAGEMENT**

The proposed subdivision includes a condition on the plat that requires principal structures in the subdivision to be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. The plat also identifies the 100-year flood elevation and flood hazard boundaries within the subdivision. These requirements are applicable if any part of the subdivision is in a flood hazard area as identified on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.

MOTION: Grant                      SECOND: Belcher      NOT APPLICABLE

VOTE: 7 YES                      0 NO

**9.14      RESERVED LAND**

The proposed subdivision includes an appropriately sized area dedicated to open space or recreational use and an area designated for municipal use, as may be required.

MOTION: Hanson                      SECOND: Durost

VOTE: 6 YES                      1 NO (Belcher opposed)

**9.15      FINANCIAL AND TECHNICAL CAPACITY**

The proposed subdivision will be developed by an applicant who has adequate financial and technical capacity to meet the standards of this ordinance.

MOTION: Durost                      SECOND: Belcher

VOTE: 7 YES                      0 NO

**9.16      ZONING AND LAND USE**

The proposed subdivision conforms with all applicable provisions of the Bucksport Town Code and the town's adopted comprehensive plan.

MOTION: Durost                      SECOND: Grant

VOTE: 6 YES                      01 NO (Feite opposed)

**9.17      CLUSTER DEVELOPMENTS**

The proposed subdivision, if reviewed as a cluster development conforms with all applicable provisions of the Bucksport Town Code and the town's adopted comprehensive plan.

MOTION: Durost                      SECOND: Feite                      NOT APPLICABLE

VOTE: 7   YES                      0   NO

**9.18      MOBILE HOME PARKS**

The proposed subdivision, if reviewed as a mobile home park conforms with all applicable provisions of the Bucksport Town Code and the town's adopted comprehensive plan.

MOTION: Durost                      SECOND: Feite

VOTE: 7   YES                      0   NO

BASED ON THE ABOVE-STATED FINDINGS OF FACT, THE PLANNING BOARD HAS DETERMINED THAT THE SUBDIVISION APPLICATION PARTIALLY MEETS THE REQUIREMENTS OF THE BUCKSPORT SUBDIVISION ORDINANCE AND IS HEREBY GRANTED CONDITIONAL APPROVAL.

MOTION: Durost                      SECOND: Feite

VOTE: 7   YES                      0   NO

THE FOLLOWING ADDITIONAL ITEMS WILL BE REQUIRED FOR FINAL APPROVAL:

Public drinking water license from Maine Drinking Water Program  
DEP stormwater permit  
DOT entrance permit  
Mobile home park license from Maine Manufactured Housing Board

**8.      Administrative Business**

The CEO showed the board a revised site plan for Greenhead Lobster and asked if they needed to conduct a formal review of the proposed changes, which included a reduction in building size and the addition of a fire road around the back of the building. After discussion, the board advised the CEO that their approval would not be required.

The CEO updated the board on progress being made regarding Resource Protection zoning changes. A consultant is available to research possible zone changes other than those that are planned to reverse a zoning change made in 2009 that is now no longer required. Her fee is estimated at \$800 to \$1,000. After discussion, the board decided to limit changes only to correct the 2009 zone changes and to address a property owner's request regarding RP zoning affecting her property on Duck Cove Road.



Member Feite provided the board with copies of a noise standard that the board could consider using in addressing a proposal to allow sawmills in the rural areas.

**9. Discussion:** None

**10. Adjournment:** 9:14PM

Minutes prepared by  
Jeffrey Hammond  
Recording Secretary